

September 9, 2011

## UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

## FOR THE TENTH CIRCUIT

WYATT T. HANDY, JR.,

Plaintiff - Appellant,

v.

CITY OF SHERIDAN, Individually &  
Official Capacity; DET. KRISTINE  
BRYANT, Individual & Official  
Capacity; OFF. MIKE MONTOYA,  
Individually; OFF. ROBERT  
ARELLANO, Individually; OFF.  
NANCY SCHWAN, Individually; OFF.  
CLARK CAPE, Individually;  
ARAPAHOE COUNTY DISTRICT  
ATTORNEY'S OFFICE; DDA LAURA  
WILSON, Individual & Official Capacity;  
LACY JO SMITH, Individually; JAMES  
C. BURKS, Individually; ANDY  
GIAVIANO, Individually,

Defendants - Appellees.

No. 11-1349  
(D.C. No. 1:11-CV-01284-LTB)  
(D. Colo.)

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**ORDER**

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Before **KELLY, HOLMES**, and **MATHESON**, Circuit Judges.

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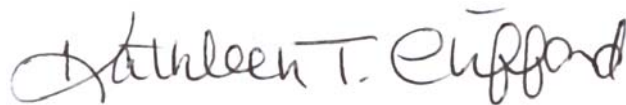
This appeal is before the court based on a show cause order challenging appellate jurisdiction and directing Appellant-Plaintiff Wyatt Handy to obtain a district court order granting certification under Fed. R. Civ. P. 54(b) as to the district court's July 7, 2011 Order

being appealed or obtain a district court order adjudicating his remaining Fourth Amendment false arrest claim. *See Stockman's Water Company, LLC v. Vaca Partners, L.P.*, 425 F.3d 1263, 1265 (10th Cir. 2005); *Lewis v. B. F. Goodrich Co.*, 850 F.2d 641, 645-46 (10th Cir. 1988).

This court lacks jurisdiction. Appellant-Plaintiff Handy failed to move in the district court for a Rule 54(b) certification, and did not file anything in this court explaining his failure to do so. Final judgment has not been entered by the district court in Plaintiff's civil rights action. Consequently, the July 7, 2011 Order being appealed is interlocutory and not immediately appealable under 28 U.S.C. § 1291 or under any recognized exception to the final judgment rule.

The appeal is **DISMISSED** for lack of appellate jurisdiction.

Entered for the Court,  
Elisabeth A. Shumaker, Clerk

A handwritten signature in dark ink, appearing to read "Kathleen T. Clifford". The signature is fluid and cursive, with the first name "Kathleen" and last name "Clifford" clearly distinguishable.

Kathleen T. Clifford  
Attorney - Deputy Clerk